

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

MISSOURI CLEAN WATER COMMISSION



MISSOURI STATE OPERATING PERMIT

In compliance with the Missouri Clean Water Law, (Chapter 644 R.S. Mo. as amended, hereinafter, the Law), and the Federal Water Pollution Control Act (Public Law 92-500, 92nd Congress) as amended,

Permit No.: MO-0129241

Owner: Continental Coal Company, Inc.
Address: 10801 Masten, Suite 920, Overland Park, KS 66210

Continuing Authority: Same as above
Address: Same as above

Facility Name: Continental Coal, Cottonwood Creek Mine
Address: 5 miles West of Foster, MO 64745

Legal Description: Sec. 19 & 30, T39N, R33W, Bates County

Receiving Stream: Tributary to Cottonwood Creek (U)
First Classified Stream and ID: Walnut Creek (C) (01306)
USGS Basin & Sub-watershed No.: (10290102-100002)

is authorized to discharge from the facility described herein, in accordance with the effluent limitations and monitoring requirements as set forth herein:

FACILITY DESCRIPTION

All Outfalls - Surface Coal Mining - SIC #1221

Settling ponds designed to hold and treat rainfall runoff from tributary areas equal to a 10-year, 24-hour rainfall event. Ponds which are not operated in series, coal preparation plant discharges and discharges resulting from the pumping of pits or ponds shall be monitored separately as each is an individual treatment device which should meet the effluent limits without dilution from other sources. All discharges from the mine permit area are subject to this permit.

This permit authorizes only wastewater discharges under the Missouri Clean Water Law and the National Pollutant Discharge Elimination System; it does not apply to other regulated areas. This permit may be appealed in accordance with Section 644.051.6 of the Law.

July 25, 2003

Effective Date

Stephen M. Mahford, Director, Department of Natural Resources
Executive Secretary, Clean Water Commission

July 24, 2008

Expiration Date
MO 780-0041 (10-93)

Jim Hull, Director of Staff, Clean Water Commission

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS					PAGE NUMBER 2 of 12	
					PERMIT NUMBER MO-0129241	
The permittee is authorized to discharge from outfall(s) with serial number(s) as specified in the application for this permit. The final effluent limitations shall become effective upon issuance and remain in effect until expiration of the permit. Such discharges shall be controlled, limited and monitored by the permittee as specified below:						
OUTFALL NUMBER AND EFFLUENT PARAMETER(S)	UNITS	FINAL EFFLUENT LIMITATIONS			MONITORING REQUIREMENTS	
		DAILY MAXIMUM	WEEKLY AVERAGE	MONTHLY AVERAGE	MEASUREMENT FREQUENCY	SAMPLE TYPE
Acid or Ferruginous Mine Drainage from active mining area outfalls (Notes 1 & 2)						
Flow	MGD	*		*	once/week	24 hr. estimate
Precipitation****	inches	**		**	**	
Iron, Total	mg/L	7.0		3.5	once/week	grab
Manganese, Total	mg/L	4.0		2.0	once/week	grab
Total Suspended Solids	mg/L	70		35	once/week	grab
Conductivity	umhos/cm	*		*	once/month	grab
Acidity	mg/L	Note 1		Note 1	Note 1	grab
Alkalinity	mg/L	Note 1		Note 1	Note 1	grab
Sulfate	mg/L	*		*	once/month	grab
pH - Units	SU	***		***	once/week	grab
Acid or Ferruginous Mine Drainage from post mining area outfalls (Notes 1 & 2)						
Flow	MGD	*		*	once/month	24 hr. estimate
Settleable Solids	mL/L/hr	0.5			once/month	grab
Conductivity	umhos/cm	*		*	once/month	grab
Sulfate	mg/L	*		*	once/month	grab
pH - Units	SU	***		***	once/month	grab
MONITORING REPORTS SHALL BE SUBMITTED <u>QUARTERLY</u> ; THE FIRST REPORT IS DUE <u>October 28, 2003</u> .						
Annual ash tonnage buried for entire area covered by this permit.						
Ash Tonnage Buried (Special Condition #5)	tons				once/year	once year estimate
MONITORING REPORTS SHALL BE SUBMITTED <u>ANNUALLY</u> ; THE FIRST REPORT IS DUE <u>October 28, 2004</u> . THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.						
B. STANDARD CONDITIONS						
IN ADDITION TO SPECIFIED CONDITIONS STATED HEREIN, THIS PERMIT IS SUBJECT TO THE ATTACHED <u>Part I</u> STANDARD CONDITIONS DATED <u>October 1, 1980</u> , AND HEREBY INCORPORATED AS THOUGH FULLY SET FORTH HEREIN.						

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

* Monitoring requirement only.

** All rainfall events shall be reported on quarterly monitoring reports. Rainfall shall be measured at the mine office.

*** pH is measured in pH units and is not to be averaged. The pH is limited to the range of 6.0-9.0.

**** During precipitation events, limits are modified as follows:

- (a) All monitoring requirements remain in effect at all times, however any overflow, increase in volume of a discharge or discharge from a bypass system caused by precipitation within any 24-hour period less than or equal to the 2-year, 24-hour precipitation event (or snowmelt of equivalent volume) may comply with the following limitations instead of otherwise applicable limitations.

Pollutant or Pollutant Property	Maximum
Iron Total	7.0 mg/L (1 day)
Settleable Solids	0.5 mL/l (not to be exceeded)
pH - Within the range of 6.0 to 9.0 at all times	
This exemption does not apply to pumping of pits or ponds.	

- (b) All monitoring requirements remain in effect at all times, however, any overflow, increase in volume of a discharge or discharge from a bypass system caused by precipitation event (or snowmelt of equivalent volume more than the 2-year, 24-hour precipitation event but less than or equal to the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume), shall comply with the following limitations instead of otherwise applicable limitations.

Pollutant or Pollutant Property	Maximum
Settleable Solids	0.5 mL/l (not to be exceeded)
pH - Within the range of 6.0 to 9.0 at all times	
This exemption does not apply to pumping of pits or ponds.	

- (c) All monitoring requirements remain in effect at all times, however any overflow, increase in volume of a discharge or discharge from a bypass system caused by precipitation within any 24-hour period greater than 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the following limitations instead of otherwise applicable limitations.

Pollutant or Pollutant Property	Maximum
pH - Within the range of 6.0 to 9.0 at all times	
This exemption does not apply to pumping of pits or ponds.	

- (d) Rainfall events are described by the U.S. Weather Bureau in Technical Bulletin 40.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

- Note 1 - a. The term "acid or ferruginous mine drainage" means mine drainage which, before any treatment, either has a pH of less than 6.0 or a total iron concentration equal to or greater than 10 mg/L.
- b. The term "alkaline, mine drainage" means mine drainage which, before any treatment, has a pH equal to or greater than 6.0 and total iron concentration of less than 10 mg/L.
- c. The term "coal refuse disposal pile" means any coal refuse deposited on the earth and intended as permanent disposal or long-term storage (greater than 180 days) of such material, but does not include coal refuse deposited within the active mining area or coal refuse never removed from the active mining area.
- d. Permittee shall monitor each NPDES pond or outfall location twice per year (second and fourth calendar quarters) for acidity and alkalinity. Where chemical treatment is being used, the sampling shall take place prior to the chemical treatment. Sampling results shall be reported on the regular Discharge Monitoring Reports (DMR's).
- e. Within 30 days of permit issuance, the permittee shall prepare and submit for Department concurrence a list of outfalls which contain acid (or ferruginous) mine drainage, those which contain alkaline mine drainage, and those which contain coal preparation plant discharges. The list shall be updated as necessary when submitting revised maps of the mining area.
- Note 2 - Quantity of discharge area(s) may vary with mining activities. The permittee shall advise the Department of Natural Resources 60 days prior to the proposed addition of other discharge areas. The new discharge points will be added to this permit, by reference to the mining company's request. The new points of discharge shall be subject to all monitoring and reporting requirements effective on the date of the company's notification of their existence to the Missouri Department of Natural Resources. Maps of the mined area, showing active mining area discharges and post mining area discharges shall be furnished by January 28 of each year.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS					PAGE NUMBER 5 of 12	
					PERMIT NUMBER MO-0129241	
The permittee is authorized to discharge from outfall(s) with serial number(s) as specified in the application for this permit. The final effluent limitations shall become effective upon issuance and remain in effect until expiration of the permit. Such discharges shall be controlled, limited and monitored by the permittee as specified below:						
OUTFALL NUMBER AND EFFLUENT PARAMETER(S)	UNITS	FINAL EFFLUENT LIMITATIONS			MONITORING REQUIREMENTS	
		DAILY MAXIMUM	WEEKLY AVERAGE	MONTHLY AVERAGE	MEASUREMENT FREQUENCY	SAMPLE TYPE
Acid or Ferruginous Drainage from coal preparation plants, coal preparation plant associated areas and coal refuse disposal piles outfalls (Notes 1 & 2)						
Flow	MGD	*		*	once/week	24 hr. estimate
Precipitation****	inches	**		**	**	
Iron, Total	mg/L	7.0		3.5	once/week	grab
Total Suspended Solids	mg/L	70		35	once/week	grab
Conductivity	umhos/cm	*		*	once/month	grab
Acidity	mg/L	Note 1		Note 1	Note 1	grab
Alkalinity	mg/L	Note 1		Note 1	Note 1	grab
Sulfate	mg/L	*		*	once/month	grab
pH - Units	SU	***		***	once/week	grab
Chemical Oxygen Demand	mg/L	*		*	once/month	grab
Oil & Grease	mg/L	15.0		10.0	once/month	grab
MONITORING REPORTS SHALL BE SUBMITTED <u>QUARTERLY</u> ; THE FIRST REPORT IS DUE <u>October 28, 2003</u> . THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.						
B. STANDARD CONDITIONS						
IN ADDITION TO SPECIFIED CONDITIONS STATED HEREIN, THIS PERMIT IS SUBJECT TO THE ATTACHED <u>Part I</u> STANDARD CONDITIONS DATED <u>October 1, 1980 & August 15, 1994</u> , AND HEREBY INCORPORATED AS THOUGH FULLY SET FORTH HEREIN.						

MO 780-0010 (8/91)

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

- * Monitoring requirement only.
- ** All rainfall events shall be reported on quarterly monitoring reports. Rainfall shall be measured at the mine office.
- *** pH is measured in pH units and is not to be averaged. The pH is limited to the range of 6.0-9.0.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

**** During precipitation events effluent limits are modified as follows:

- (a) All monitoring requirements remain in effect at all times, however any overflow, increase in volume of a discharge caused by precipitation within any 24-hour period greater than the 1-year, 24-hour precipitation event, but less than or equal to the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) may comply with the following limitations instead of otherwise applicable limitations.

Effluent Limitations During Precipitation

<u>Pollutant or Pollutant property</u>	<u>Maximum</u>
Settleable solids	0.5 mL/l (not to be exceeded)
pH - Within the range of 6.0 to 9.0 at all times	
This exemption does not apply to pumping of pits or ponds.	

- (b) All monitoring requirements remain in effect at all times, however any overflow, increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) may comply with the following limitations instead of otherwise applicable limitations.

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pH - Within the range of 6.0 to 9.0 at all times	
This exemption does not apply to pumping of pits or ponds.	

- (c) Rainfall events are described by the U.S. Weather Bureau in Technical Bulletin 40.

- Note 1 - a. The term "acid or ferruginous mine drainage" means mine drainage which, before any treatment, either has a pH of less than 6.0 or a total iron concentration equal to or greater than 10 mg/L.
- b. The term "alkaline mine drainage" means mine drainage which, before any treatment, has a pH equal to or greater than 6.0 and total iron concentration of less than 10 mg/L.
- c. The term "coal refuse disposal pile" means any coal refuse deposited on the earth and intended as permanent disposal or long-term storage (greater than 180 days) of such material, but does not include coal refuse deposited within the active mining area or coal refuse never removed from the active mining area.
- d. Permittee shall monitor each NPDES pond or outfall location twice per year (second and fourth calendar quarters) for acidity and alkalinity. Where chemical treatment is being used, the sampling shall take place prior to the chemical treatment. Sampling results shall be reported on the regular Discharge Monitoring Reports (DMR's).
- e. Within 30 days of permit issuance, the permittee shall prepare and submit for Department concurrence a list of outfalls which contain acid (or ferruginous) mine drainage, those which contain alkaline mine drainage, and those which contain coal preparation plant discharges. The list shall be updated as necessary when submitting revised maps of the mining area.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

Note 2 - Quantity of discharge area(s) may vary with mining activities. The permittee shall advise the Department of Natural Resources 60 days prior to the proposed addition of other discharge areas. The new discharge points will be added to this permit, by reference to the mining company's request. The new points of discharge shall be subject to all monitoring and reporting requirements effective on the date of the company's notification of their existence to the Missouri Department of Natural Resources. Maps of the mined area, showing active mining area discharges and post mining area discharges shall be furnished by January 28 of each year.

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		DAILY MAXIMUM	WEEKLY AVERAGE	MONTHLY AVERAGE	MEASUREMENT FREQUENCY	SAMPLE TYPE
Alkaline Mine Drainage, from active mining area outfalls (Notes 1 & 2)						
Flow	MGD	*		*	once/week	24 hr. estimate
Precipitation****	inches	**		**	**	
Iron, Total	mg/L	7.0		3.5	once/week	grab
Total Suspended Solids	mg/L	70		35	once/week	grab
Conductivity	umhos/cm	*		*	once/month	grab
Acidity	mg/L	Note 1		Note 1	Note 1	grab
Alkalinity	mg/L	Note 1		Note 1	Note 1	grab
Sulfate	mg/L	*		*	once/month	grab
pH - Units	SU	***		***	once/week	grab
Alkaline Mine Drainage, "post mining area" outfalls (Notes 1 & 2)						
Flow	MGD	*		*	once/month	24 hr. estimate
Settleable Solids	mL/L/hr	0.5			once/month	grab
Conductivity	umhos/cm	*		*	once/month	grab
Sulfate	mg/L	*		*	once/month	grab
pH - Units	SU	****		****	once/month	grab
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A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

**** During precipitation events effluent limits are modified as follows:

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Effluent Limitations During Precipitation

<u>Pollutant or Pollutant property</u>	<u>Maximum</u>
Settleable solids	0.5 mL/l (not to be exceeded)
pH - Within the range of 6.0 to 9.0 at all times	
This exemption does not apply to pumping of pits or ponds.	

- (b) All monitoring requirements remain in effect at all times, however any overflow, increase in volume of a discharge or discharge from a bypass system caused by precipitation within any 24-hour period greater than 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the following limitations instead of otherwise applicable limitations.

Effluent Limitations During Precipitation

<u>Pollutant or Pollutant property</u>	<u>Maximum</u>
pH - Within the range of 6.0 to 9.0 at all times	
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- Note 1: a. The term "acid or ferruginous mine drainage" means mine drainage which, before any treatment, either has a pH of less than 6.0 or a total iron concentration equal to or greater than 10 mg/L.
- b. The term "alkaline mine drainage" means mine drainage which, before any treatment, has a pH equal to or greater than 6.0 and total iron concentration of less than 10 mg/L.
- c. The term "coal refuse disposal pile" means any coal refuse deposited on the earth and intended as permanent disposal or long-term storage (greater than 180 days) of such material, but does not include coal refuse deposited within the active mining area or coal refuse never removed from the active mining area.
- d. Permittee shall monitor each NPDES pond or outfall location twice per year (second and fourth calendar quarters) for acidity and alkalinity. Where chemical treatment is being used, the sampling shall take place prior to the chemical treatment. Sampling results shall be reported on the regular Discharge Monitoring Reports (DMR's).
- e. Within 30 days of permit issuance, the permittee shall prepare and submit for Department concurrence a list of outfalls which contain acid (or ferruginous) mine drainage, those which contain alkaline mine drainage, and those which contain coal preparation plant discharges. The list shall be updated as necessary when submitting revised maps of the mining area.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

Note 2: Quantity of discharge area(s) may vary with mining activities. The permittee shall advise the Department of Natural Resources 60 days prior to the proposed addition of other discharge areas. The new discharge points will be added to this permit, by reference to the mining company's request. The new points of discharge shall be subject to all monitoring and reporting requirements effective on the date of the company's notification of their existence to the Missouri Department of Natural Resources. Maps of the mined areas, showing active mining area discharges and post mining area discharges shall be furnished by January 28 of each year.

C. SPECIAL CONDITIONS

1. Special Definitions

- a. The term "active mining area" means the areas, on and beneath land, used or disturbed in activity related to the extraction, removal, or recovery of coal from its natural deposits.
- b. The term "post mining area" means the surface area of a coal mine which has been returned to required contour and on which revegetation (specifically, seeding or planting) work has commenced.

2. Amendment to Standard Conditions:

Section A.1-B. is amended to read as follows: Monitoring results shall be recorded and reported on forms provided by the Department, postmarked no later than the 28th day of the month following the completed reporting period. Signed copies of these and all other reports required herein, shall be submitted to the following address:

Department of Natural Resources
Land Reclamation Program
P.O. Box 176
Jefferson City, MO 65102

Department of Natural Resources
Southwest Regional Office
2040 West Woodland
Springfield, MO 65807-5912

The monitoring reports shall be submitted to the Water Pollution Control Program and the Land Reclamation Program no later than the 28th day of the month following the completion of the reporting period.

3. This permit may be reopened and modified, or alternatively revoked and reissued, to:
 - (a) Comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a) (2) of the Clean Water Act, if the effluent standard or limitation so issued or approved:
 - (1) contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
 - (2) controls any pollutant not limited in the permit.
 - (b) Incorporate new or modified effluent limitations or other conditions, if the result of a waste load allocation study, toxicity test or other information indicates changes are necessary to assure compliance with Missouri's Water Quality Standards.
 - (c) Incorporate new or modified effluent limitations or other conditions if, as the result of a watershed analysis, a Total Maximum Daily Load (TMDL) limitation is developed for the receiving waters which are currently included in Missouri's list of waters of the state not fully achieving the state's water quality standards, also called the 303(d) list.

The permit as modified or reissued under this paragraph shall also contain any other requirements of the Clean Water Act then applicable.

C. SPECIAL CONDITIONS (continued)

4. Samples shall be representative of monitoring period discharges and if any discharge occurs during the monitoring period at least one sample per outfall must be collected and analyzed. ("No Discharge" shall be used only to indicate no releases during the entire reporting period).
5. If fly ash is allowed to be buried, permittee shall conduct special sampling during and after acceptance of fly ash or other power plant wastes. An annual sample from each impoundment or pit potentially impacted by such waste disposal activities will be collected and analyzed for the following:

Arsenic, total recoverable	Barium, total recoverable
Antimony, total recoverable	Zinc, total recoverable
Boron, total recoverable	Aluminum, total recoverable
Cadmium, total recoverable	Mercury, total recoverable
Chromium, total recoverable	Selenium, total recoverable
Conductivity	Sulfate, as SO ₄
Iron, total recoverable	Thallium
Lead, total recoverable	Manganese, total recoverable
Total Suspended Solids	Silver, total recoverable
pH - Units	

This special condition does not waive MDNR - Solid Waste Management Program Regulations, nor does it waive notification to the WPCP that ash is being accepted.

Additionally, a report shall be submitted annually each January that indicates whether ash was buried above or below the seasonal water table of the area and a map at a scale of 1 inch = 2000 feet indicating the areas where ash was buried.

6. General Criteria. The following water quality criteria shall be applicable to all waters of the state at all times including mixing zones. No water contaminant, by itself or in combination with other substances, shall prevent the waters of the state from meeting the following conditions:
 - (a) Waters shall be free from substances in sufficient amounts to cause the formation of putrescent, unsightly or harmful bottom deposits or prevent full maintenance of beneficial uses;
 - (b) Waters shall be free from oil, scum and floating debris in sufficient amounts to be unsightly or prevent full maintenance of beneficial uses;
 - (c) Waters shall be free from substances in sufficient amounts to cause unsightly color or turbidity, offensive odor or prevent full maintenance of beneficial uses;
 - (d) Waters shall be free from substances or conditions in sufficient amounts to result in toxicity to human, animal or aquatic life;
 - (e) There shall be no significant human health hazard from incidental contact with the water;
 - (f) There shall be no acute toxicity to livestock or wildlife watering;
 - (g) Waters shall be free from physical, chemical or hydrologic changes that would impair the natural biological community;
 - (h) Waters shall be free from used tires, car bodies, appliances, demolition debris, used vehicles or equipment and solid waste as defined in Missouri's Solid Waste Law, section 260.200, RSMo, except as the use of such materials is specifically permitted pursuant to section 260.200-260.247.
7. Report as no-discharge when a discharge does not occur during the report period.
8. All outfalls shall be clearly marked and numbered in the field.

C. SPECIAL CONDITIONS (continued)

9. Changes in Discharges of Toxic Substances

The permittee shall notify the Director as soon as it knows or has reason to believe:

- a. That any activity has occurred or will occur which would result in the discharge of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels:"
 - (1) One hundred micrograms per liter (100 ug/L);
 - (2) Two hundred micrograms per liter (200 ug/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/L) for 2,5 dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
 - (3) Five (5) times the maximum concentration value reported for the pollutant in the permit application;
 - (4) The level established in Part A of the permit by the Director.
- b. That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the permit application.